

REMARKS

Claims 7, 8, 10 – 19, and 47 – 54 stand rejected under 35 U.S. C. § 102 (e) as being anticipated by the Albrecht U.S. Patent No. 6, 172, 046 (“the ‘046 patent”).

Applicants agree with the Examiner that the ‘046 patent fails to disclose use of Antioxidants to ameliorate the ribavirin-assorted hemolysis in HCV patients treated with the combination therapy of interferon alfa and ribavirin, much less the use of the combination of Vitamins E and C to ameliorate ribavirin-related hemolysis. However, applicants disagree that use of a multivitamin by the patient with HCV, who is being treated with the combination therapy anticipates the claimed invention under 102 (e).

To advance prosecution, applicants are amending the claimed invention to specify that the therapeutically effective amounts of Vitamin E and Vitamin C are about ten to about one hundred times the recommended daily dietary allowance of Vitamin E and of Vitamin C.

Basis for this amendment is found in the specification at for example on page 5, lines 17 to 20, in page 6 lines 21 – 27, and on page 31, line 35 to page 32, line 9.

Applicants are amending claims 10 and 50 to correct obvious typographical errors.

As amended, the claimed invention is patentable over the ‘046 patent and thus advances prosecution or at least places the application in a better form for appeal.

Entry of the amendment under the provisions of Rule 116 and withdrawal of the grounds of rejection are solicited.

The ‘046 patent does not disclose combination of specific amounts of Vitamin E with Vitamin C in association with ribavirin-interferon alfa or the ribavirin-pegylated interferon alfa combination therapy to treat patients with chronic HCV more effectively by ameliorating the ribavirin-related hemolysis.

Applicants assert that the claimed invention, as amended, is in statutory compliance with 35 U.S.C. §102 (e).

Respectfully submitted,



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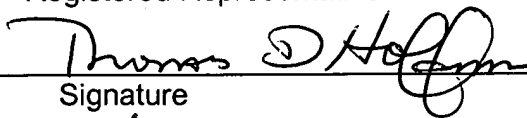
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